

1 Raynell Carmichael, D-25366
2 San Quentin State Prison-2N1-L
3 San Quentin, CA. 94974

4 In Propria Persona

5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

7
8 Raynell Carmichael
9 Plaintiff

Case No. CV -07-5622 CW

10
11 VS.

MOTION FOR APPOINTMENT
12 OF COUNSEL

13 James E. Tilton, et al.,
14 Defendants

15 Pursuant to 2 U.S.C. § 1915 (e)(1) plaintiff Raynell Carmichael moves
16 for an order appointing counsel to represent him in this case, for
17 the following reasons:

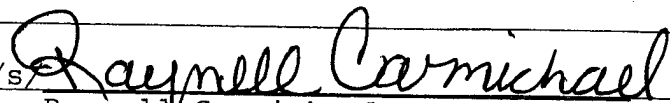
18
19 1. The Plaintiff is unable to afford counsel. He has requested
20 leave to proceed in from Pro Se.

21
22 2. The Plaintiff's imprisonment and his continuous deterioration
23 in health will greatly limit his ability to litigate. The issues
24 involved in this case are complex, and will require significant
25 research and investigation, Plaintiff is confined to San Quentin
26 State Prison and has limited access to the law library and limited
27 knowledge of the law.
28

1 3. A trial in the case or the EARLY SETTLEMENT PROGRAM will likely
2 involve conflicting testimony, and counsel would better enable
3 Plaintiff to present evidence and cross examine witnesses.
4

5 4. Plaintiff has made repeated efforts to obtain a lawyer.
6 "See Attached" to this motion are letters in response to plaintiff
7 request for legal representation.
8

9 WHEREFORE. Plaintiffs request that the court appoint Charles Carbone.
10 KELLY V. SIMMONS Judge of the Superior Court IN AND FOR THE COUNTY
11 OF MARIN, FILED June 28, 2007, Case No: SC152878, ORDER GRATING
12 APPOINTMENT OF COUNSEL, Charles Carbone, Esq, 3128 16th Street,
13 PMB212, San Francisco, CA. 94103, Tel: 415-981-9773, Fax:415-981-9774
14 415-531-1980, Email:Charles@Charlescarbone.com, Website:ww.Charles
15 carbone.com, or www.prisonerattorney.com, a member of the state Bar,
16 as counsel in this case.
17

18 /s/  Date: JANUARY 6, 2008.
19 Raynell Carmichael, D-25366
20 San Quentin State Prison-2N-1-L
San Quentin, CA. 94974

21 In Propria Persona
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26
27
28

SANFORD JAY ROSEN *
MICHAEL W. BIEN
ERNEST GALVAN

ROSEN, BIEN & GALVAN, LLP

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NURA MAZNAVI
THOMAS NOLAN
LORI RIFKIN **
LOREN STEWART
KENNETH WALCZAK***
AMY WHELAN
SARAH OLSON ZIMMERMAN ****

January 3, 2007

CONFIDENTIAL LEGAL MAIL

Re: Armstrong v. Schwarzenegger
Our File No. 581-3

Dear Correspondent:

We received your letter about disability discrimination in the California Department of Corrections and Rehabilitation (CDCR).

We are now in the monitoring phase of the case. In order to do this more effectively, we have divided the institutions with our co-counsel. The monitoring of your institution is handled by our co-counsel, the **Prison Law Office**. We have forwarded your letter to the Prison Law Office.

In the future, you may write directly to the PLO at the following address:

**Prison Law Office
General Delivery
San Quentin, CA 94964.**

You also requested that we represent you in your pending lawsuit. Unfortunately, we cannot do that. We are simply too busy handling class action lawsuits such as *Armstrong* and *Coleman* to be able to assist inmates with individual lawsuits.

You should also be aware that your claims are subject to legal time constraints and requirements. If you do not pursue your claims both through the grievance procedure and the courts, or if you wait too long before filing complaint, your legal claims could be barred by the relevant statute of limitations and or the exhaustion doctrine.

If you are planning to file a federal lawsuit, please note that the United States Supreme Court has recently ruled that inmates who do not meet the prison grievance filing deadlines will lose their right to file a federal lawsuit. (The new case is *Woodford v. Ngo*, 126 S. Ct. 2378 (2006)). In the California grievance system, you must file your grievance (CDC Form 602 or 1824) within 15 working days (three weeks) of the action

January 3, 2007

Page 2

you are challenging. You should act quickly to file a grievance if you have any intention to sue in federal court later.

January 3, 2007

Page 3

Thank you for contacting us.

Sincerely yours,

ROSEN, BIEN & GALVAN, LLP

cc: Prison Law Office

Encl: Prison Law Office Envelope

LAW OFFICE OF CHARLES SEVILLA

CHARLES M. SEVILLA
WWW.CHARLESSEVILLA.COM

ATTORNEY AT LAW
1010 SECOND AVENUE, SUITE 1825
SAN DIEGO, CALIFORNIA 92101-4902
EMAIL CHUCK@CHARLESSEVILLA.COM

TELEPHONE
(619) 232-2222
FAX 232-3711

January 16, 2007

Raynell Carmichael, D-25366
San Quentin State Prison, 2N 1 L
San Quentin, CA 94974

Dear Mr. Carmichael:

I received your letter of December 25th which was addressed to the California Attorneys for Criminal Justice [CACJ] and sent to the Sacramento offices. They then forwarded to me.

I am sorry to say that I do not do civil work and 1983 actions for medical malpractice fall into that category. Most of the attorneys in CACJ do criminal defense work, as I do. Some may handle prison suits, but I don't know them.

One recommendation is that you contact the Prison Law Office there at San Quentin [(415) 457-9144] for recommendations of lawyers in your area. If the malpractice occurred at San Quentin, then the Bay Area is the place to look for attorneys because that is where the suit would have to be filed. I suspect you have done this already. The Prison Law Office has led the way in suing CDC&R about the lousy health care within the prisons.

It may be that the Federal Public Defender in San Francisco would also know of local attorneys who do civil litigation over medical malpractice. You might see if your wife could contact them by phone at (415) 556-7712 and seek out local counsel. (If the malpractice occurred in another community, then contact the Federal Public Defender that handles that geographic area for possible contacts.)

You are probably well aware of the litigation on-going about the CDC's poor provision of health services. In Plata v. Schwarzenegger (N.D. Cal. 2005) U.S.D.C. No. C01-1351TEH, Federal District Court Judge Thelton Henderson found health conditions in the CDC "horrificing, barbaric." CDC was killing over one inmate per week (64 preventable deaths of inmates a year and injury to many others) due to grossly inadequate, incompetent and perverse medical treatment. Judge Henderson found "bankrupt" the CDC health delivery system and took it

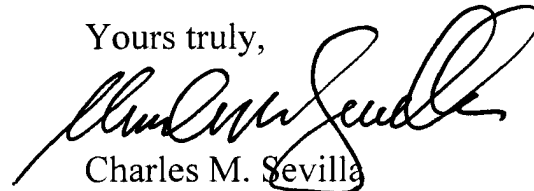
over.

Robert Sillen, a former Executive Director of the Santa Clara Valley Hospitals, was appointed as receiver of the agency for health services. Sillen's initial report described a paralytic bureaucracy incapable of doing much of anything to treat prisoners humanely, but very successful in mistreating them.¹ Sillen called the system "horrid" and in "an utter state of disrepair." He observed that ill prisoners are treated badly and many have suffered by not getting medical attention, or "more horrifically, [they got recklessly inadequate] access to care." He said, "Almost every necessary element of a working medical care system either does not exist or functions in a state of abject disrepair." Sillen found the atmosphere in CDC&R a "culture of incompetence and nonperformance."²

So if the CDC&R personnel is responsible for your mistreatment, they should be held accountable. You could write to Mr. Sillen and describe your situation, but I doubt he is in a position to do anything except to note the type of care you got and try to see that it doesn't happen again. His address is: Robert Sillen, Federal Receiver California Prison Healthcare Receivership, 1731 Technology Drive, San Jose CA 95110.

I am returning the enclosures you sent me about your health condition as you may be able to use them with local counsel. Good luck.

Yours truly,

A handwritten signature in black ink, appearing to read "Charles M. Sevilla", written over the typed name.

Charles M. Sevilla

¹ See "Prisoner Health Czar Vows to Fix System," Los Angeles Daily Journal, November 20, 2006, p. 3.

² Don Thompson, "Prisons' Health Care is Disgraceful, Report Says," Los Angeles Daily Journal, July 7, 2006, p. 3.

O'MELVENY & MYERS LLP

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OUR FILE NUMBER
600,000-10

WRITER'S DIRECT DIAL
415-984-8825

WRITER'S E-MAIL ADDRESS
pobstler@omm.com

March 7, 2007

Raynell Carmichael, D-25366
San Quentin State Prison--2N-01-L
San Quentin, CA 94974

Re: **Request for Representation**

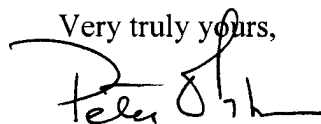
Dear Mr. Carmichael:

Thank you for your letter postmarked December 27, 2006. Unfortunately, we cannot provide you with representation in the above-captioned matter. If you are interested in referral information, you may want to contact the State Bar or you can write a letter or send an e-mail to: Prison Law Office, General Delivery, San Quentin, CA 94964, e-mail: www.prisonlaw.com.

We are returning to you the papers and other information that you delivered to us for review in evaluating this matter.

We appreciate your interest in the firm.

Very truly yours,



Peter Obstler
of O'MELVENY & MYERS LLP

PO:lms

SF1:658239.1

From the Desk of
Carl D. McQuillion
MCQUILLION PARALEGAL SERVICE

P.O. Box 2307, Vacaville, CA 95696
Tel: 707-451-3249; Mobile: 707-704-2627; Fax: 707-451-3209
parolelaw@sbcglobal.net
Parole Consultation / Paralegal Habeas Corpus Services

March 8, 2007


Raynell Carmichael, D-25366
San Quentin State Prison / 2N-01-L
San Quentin, CA 94964

Dear Mr. Carmichael:

I do not have all your answers, but I understand your problem. I do not know any attorneys who will take prison medical cases on contingency. Obviously you have a good case. I, of course, am not an attorney, and reject such cases even for 'shepherding' for the inmate because such cases are time-consuming, quite complicated, and requires time-consuming events like making and answering interrogatories, fighting for discovery, trying to get depositions, fighting the AG with his delays after delays, and so on and so forth. And there is the problem with out-of-pocket expenses during this long, drawn-out time, with the hope of getting it back IF you win. Pro bono means free only to YOU, but it costs money all along the way.

There is a contact person for Robert Sillen (Medical federal master) you can have your family contact and speak to to see if there is anything or anyone who can help you professionally. Her name is Kristina Hector, Inmate Patient Relations Mgr., at 408-436-6865 (tel) and 408-453-3025 (fax).

Otherwise, I am sorry I cannot help you more. Wish I could.

Sincerely,


Carl McQuillion

BOSTWICK & ASSOCIATES

San Francisco and Honolulu

Attorneys at Law

Professional Corporation
Four Embarcadero Center
Suite 750
San Francisco
California 94111-5994

Tel 415.421.8300
Fax 415.421.8301

March 20, 2007

Raynell Carmichael, D-25366
San Quentin State Prison 2N-01-L
San Quentin, California 94974

VIA CERTIFIED MAIL
7006 3450 0003 7952 5161

RE: POTENTIAL CLAIM

Dear Mr. Carmichael:

After reviewing the information provided, we have concluded that we cannot undertake representation in your potential claim. Please understand that this decision is based on business and economic factors and in no way reflects upon the merits of the case. Other attorneys may differ in their analysis of the situation.

There is a time limit to file a lawsuit which is referred to as a statute of limitations. You must take legal action within the statute of limitations or you will forever be barred from doing so. We cannot give legal advice in this situation and cannot advise you concerning the statute of limitations. We wish you the best in pursuing this matter and thank you for your interest in our firm.

Thank you again for giving us an opportunity to review your case.

Respectfully,

BOSTWICK & ASSOCIATES



Erik L. Peterson, Esq.

ELP:ap

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

ATTORNEYS AT LAW
EMBARCADERO CENTER WEST
275 BATTERY STREET, 30TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3339
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mail@lchb.com
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NEW YORK
BEVERLY HILLS
NASHVILLE

March 21, 2007

Raynell Carmichael, D-325366
San Quentin State Prison-2N1-L
San Quentin, CA 94974

Re: Potential case inquiry re civil rights and medical negligence matter
Client-Matter No. 9999-0001

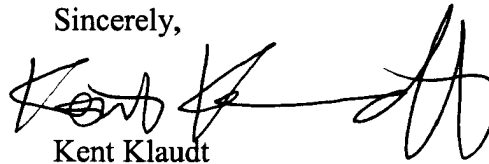
Dear Mr. Carmichael,

I am writing in response to your inquiry dated March 18, 2007, regarding your civil rights and medical negligence case. Regrettably, Lieff, Cabraser, Heimann & Bernstein, LLP will be unable to represent you in connection with this matter.

Other attorneys may be able to assist you with this potential claim and we encourage you to consult with other counsel promptly if you choose to pursue this matter, so that any rights you may have are not damaged or lost due to the passage of time.

Thank you for contacting Lieff, Cabraser, Heimann & Bernstein. I wish you the best of luck with this potential claim.

Sincerely,



Kent Klaudt

KK:ER

STEPHEN B. BEDRICK

ATTORNEY AT LAW

1970 BROADWAY, SUITE 1200
OAKLAND, CALIFORNIA 94612

TELEPHONE: (510) 452-1900

FAX: (510) 452-1980

March 26, 2007

Mr. Raynell Carmichael, D-25366
San Quentin Prison, 2N-01-L
San Quentin, CA 94974

Dear Mr. Carmichael:

I am unable to take your case. I am returning your materials to you.

Very truly yours,


STEPHEN B. BEDRICK

SBB/ls

**KAZAN, McCLAIN, ABRAMS, FERNANDEZ,
LYONS, FARRISE & GREENWOOD**

A Professional Law Corporation

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Ian A. Rivamonte
Autumn A. Mesa
Matthew L. Thiel
Barbra Ferre
Justin A. Bosl

March 29, 2007

Raynell Carmichael, D-25366
San Quentin State Prison - 2N -01 -L
San Quentin, CA 94974

Dear Mr. Carmichael:

Thank you for contacting our office regarding your potential medical negligence claim. Due to business reasons, we will not be able to undertake your representation. This is not an opinion of the merits of your claim. We are merely indicating that we will not be able to represent you.

If you wish to pursue your matter further, you should immediately contact another attorney to obtain legal representation. You should be aware that California law imposes strict time limitations in which to make formal presentation of a claim. I do not have sufficient information to fully advise you on this matter. These time limits are complex and vary for different types of legal actions. Failure to file a lawsuit within the requisite time may mean that you could be barred forever from pursuing your action.

Again, thank you for consulting our office. I am sorry that we are unable to assist you at the present time. We wish you good luck in pursuing the matter with other counsel.

Very truly yours,



Steven Kazan

SLK:wp

PIER 5 LAW OFFICES

A COMMUNITY OF SOLE PRACTITIONERS

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GABRIEL S. CASWELL
JAMES J. CLARK
RANDOLPH E. DAAR
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SECRETARIAL STAFF:
PENELOPE ROSE
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YOLANDA SIMMONS

April 3, 2007

Raynell Carmichael D-25366
San Quentin State Prison 2N-01-L
San Quentin CA 94974

Dear Mr. Carmichael:

Mr. Serra has received your letter requesting his assistance. He has asked me to advise you that he is strictly a criminal defense trial attorney; he does not take any civil cases.

Sorry we can't help you in this matter.

Sincerely,



Stephanie Brown
for J. TONY SERRA

UnCommon Law

400 Derby Ave., Suite 8

Oakland, CA 94601

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Fax: (510) 535-0101

www.theuncommonlaw.com

**Keith Wattley
Thomas Master**

May 2, 2007

Raynell Carmichael
CSQ – San Quentin State Prison
PO Box D-25366
San Quentin, CA 94974

Re: Referral

Dear Mr. Carmichael:


Thank you for your letter, and please accept our apologies for the long delay it has taken us to respond to you. Unfortunately, we are not able to represent you in your medical care case at this time. Below is contact information for an attorney named Catherine Campbell. She might be able to assist you.

Catherine Campbell
P O Box 4470
Fresno, CA 93728
Phone: 559-498-8140

We wish you luck with your case.

93744

Sincerely,



Keith Wattley

CATHERINE CAMPBELL
Attorney at Law
State Bar #65103
PO Box 4470 • Fresno, CA 93744
Tel: 559-498-8140 • Fax: 559-221-0268

June 27, 2007

Raynell Carmichael, D25366
San Quentin State Prison, 2N-01-L
San Quentin, CA 94974

Dear Mr. Carmichael,

I received your letter of May 20, 2007. For several reasons, I am unable to be of assistance to you. The passage of the Prison Litigation Reform Act (PLRA) in 1996, made it extremely difficult to represent prisoners. In addition, I receive on average 10 letters from prisoners each week and while many have compelling claims, it is not possible to represent all of them, nor can I choose among them.

As a result of these and other limitations, I confine my civil rights work to representing the families of prisoners, not prisoners themselves. At the moment, I am representing several families in medical and psychiatric abuse cases which resulted in death and I cannot take on new cases without undermining the cases I already have.

Please forgive these restrictions on my practice. I am sorry I am unable to assist you.

Please let me know if you are going to be released from prison shortly. If you are no longer in prison, the PLRA does not apply to you.

With my regards,


Catherine Campbell

CC/vt

Enclosure(s): 2